CONFIDENTIALITY POLICY/PROCEDURES - CHS
Center for Health Statistics (CHS)
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CONFIDENTIALITY POLICY/PROCEDURES
Center for Health Statistics (CHS)

GENERAL DISCLOSURE/RELEASE POLICY

CHS data/information/records fall under the public disclosure law, which means that all the information held by CHS must be released unless release is specifically restricted by law or regulation.

Even data/information defined as confidential or restricted access must be released if they can be edited to make them unidentified. Generally, this will require excluding all identifiers in the data set, and in some instances truncating or excluding combinations of data elements that potentially could identify the person to whom the record pertains. See description of individual data sets for specific items to exclude.

GENERAL LAWS/POLICIES

Public disclosure law (RCW 42.170) requires release of data/information when confidential portions can be removed; however, RCW 42.17.260(9) prohibits release of lists of names for commercial purposes (as defined by AGO 1998 no.2)
Medical Records—Health Care Information (RCW 70.02)
Release of data to other public agencies (RCW 39.34)
Release of records for research (RCW 42.48)
Review requirements for federally supported research projects (45CFR Part 46)

Agency Policies:
Public Disclosure (17.003)
Employee Responsibilities with Confidential Information (17.005)
Data Release (17.006)
Personnel (07.007)
Information Technology Security (10.002)
Electronic Messaging Systems and Privacy (10.005)
Internet Access and Use (10.008)
Security of Employees and Facilities (15.003)
Facility Access Cards and Special Credentials (15.006)

Division Policies:
EHSPHL Division Confidentiality Policy/Procedure (EHSPHL 001)

Policy review
This policy will be reviewed on an annual basis and updated as needed.

DATA/INFORMATION/RECORDS HELD BY CHS

Vital statistics

Definition

For purposes of this policy 'vital statistics' is defined as data, information, or records related to birth, death, fetal death, marriage, and divorce.

Births:
The birth system provides information on all births occurring in Washington State and to Washington residents for the purpose of providing a birth record; monitoring trends in population, fertility, and maternal and child morbidity; establishing legal residency; and assisting in epidemiological, family planning, and other social and health related analyses. Birth data are released as paper/electronic copies of individual records, data tables, or raw data files. For more information on the birth system, see *Washington State Birth Certificate System: An Evaluation* available through CHS.

The legal section (items 1-34 on the birth certificate form), except for parents' social security numbers, is considered a public record. The following areas are considered confidential or have restricted access: The medical/health section (as defined by WAC 246-491-029); the parents' social security numbers on birth records, releasable only to DSHS Division of Child Support; the original birth record and court document for an adoption; any record where the person named has received address protection due to fear of violence; and court documents for paternity.

Reference: RCW 70.58; RCW 70.58.055 governs collection of vital statistics data and defines birth data confidentiality; RCW 70.58.104 requires review of research projects; RCW 26.33 governs adoption and adoption records; RCW 40.24 establishes address confidentiality for victims of domestic violence and sexual assault; WAC 246-491defines what data items are collected on birth certificates; WAC 246-491-039 restricts release of data from the confidential sections of birth certificates; WAC 246-490 (proposed new WAC) describes the processes for release of vital records for research or statistical study and for obtaining a copy of a birth certificate. The Family Support Act of 1988 restricts release of parents' social security numbers on birth records.

DOH policies:
CHS-A1 'Data Dissemination and Pricing'
CHS-A2 ' Issuance of Certified Copies of Records or Information'
CHS-B1 'Protecting Against Fraudulent Use and Registration of Birth Certificates'

Contact:
Paper copies of individual records: Wendy Kinswa 236-4311, Charlene Peoples 236-4314
Data tables/files: Patricia Starzyk 236-4323

CHS Confidentiality Policy/Procedures

Adoptions: Marjorie Kegley 236-4334
Paternity: Raymond Moffate 236-4335, Jack Phillips 236-4336

Data release:

Copies of individual vital records (giving only names, birth date and place of birth) are sent to the requestor on receipt of the fee and the following pieces of information: Child's name, date and place of birth, father's full name, and mother's full maiden name. Requests which do not provide all of the birth information are reviewed on a case by case basis. A certificate may be issued if there is a circumstantial reason why the requestor cannot provide all the information - the decision will be made by the State Registrar or his/her designee.

Data files containing the legal portion of the birth certificate are released on a case-by-case basis. Since these files contain lists of names, they can never be used for a commercial purpose (see AGO opinion). In addition, files containing the legal portion of the birth record may be released for approved research projects (see data handling section). For non-research use, files with legal identifiers are only released when the requestor will not use the file to link the record with the confidential medical portion of the birth record, will not fraudulently create a legal document, and will not otherwise compromise the confidentiality of any person's record.

Unidentified birth data sets are released with a one-page data sharing agreement signed by the requestor. The requestor agrees to use the data only for statistical reporting and analysis; not release it to third parties without prior approval from CHS; not link the data to any other individually identified data; and make every effort to assure that identities of individuals are not revealed, especially in any publication resulting from the data analysis.

An unidentified subset of birth records may be created as follows:

Exclude all of the following data elements:
        * State and Local Certificate Number (or encrypt the number)
        * Name of Mother, Father, and Child (including Soundex Code)
        * Mother's Mailing and Residence Street Addresses and residence census
            tract
        * Attendant and/or Certifier Name if attendant/certifier is the mother or
            father
        * Social Security Number for Mother and Father
        *Telephone number
        *Adoption indicator
and either truncate the child's date of birth to the month and year of birth or exclude the facility code number. For adoptions, replace the adoptive mother/father's birth date or age with the natural mother/father's birth date or age and release as a single field.

CHS Confidentiality Policy/Procedures

A certified copy of a birth certificate including the confidential information is issued per RCW 70.58.055 upon receipt of a copy of a court order authorizing release of the information, the fee, and the identifying information (child's name, date and place of birth, father's full name, and mother's full maiden name).

Identified medical or confidential information is also released to researchers (see 'Data Handling') or to other state vital records offices (see 'Data originating in another office').

Sealed files (paternity, adoption):
Sealed files are copies of court orders or affidavits for paternity (adding the father's name to the birth certificate) or court orders for adopting a child born in Washington. Once the paternity or adoption is processed, the files are stored for a year in the CHS vault. After a year, they are sent to archives and stored indefinitely. Sealed files may be opened and information provided to a requestor only by a court order or upon request from the natural mother. CHS also receives adoption and paternity records from other states. These records are handled with the same degree of confidentiality as the corresponding Washington State records.

Hospital worksheets/delivery logs:
Hospital worksheets/delivery logs are copies of hospital records used to support an affidavit for change of the birth record. These records are stored in the CHS vault for a year, after which they are destroyed. Hospital worksheets/delivery logs are not released outside of CHS.

Deaths:
The death system provides information on all deaths occurring in Washington State and to Washington residents for the purpose of providing a death certificate record, monitoring trends in mortality, assisting in establishing legal benefits, and assisting in epidemiological and other social and health related analyses. Death data are released as paper copies of individual records, data tables, or raw data files. The death index is also available on microfiche to the public through the state archives. For more information on the death system, see *Washington State Death Certificate System: An Evaluation* available through CHS.

The death record is public except for any death record where a child under 12 dies of AIDS or an infant dies from a termination of pregnancy that produced a sign of life.

Reference: RCW 70.58; RCW 70.58.055 governs collection of vital statistics data; RCW 70.58.104 requires review of research projects; RCW 9.02.100 and 70.24.105 restrict release of death records for certain ages and causes of death (related to HIV and abortion); WAC 246-491defines what data items are collected on death certificates; WAC 246-490 (proposed new WAC) describes the processes for release of vital records for research or statistical study.

DOH policies:
CHS-A1 'Data Dissemination and Pricing'

CHS Confidentiality Policy/Procedures

CHS-A2 ' Issuance of Certified Copies of Records or Information'
CHS-D2 'Issuance of Confidential Death Records/Information'

Contact:
Paper copies of individual records: Wendy Kinswa 236-4311, Charlene Peoples 236-4314
Data tables/files: Ann Lima 236-4324

Data release:

Copies of individual vital records are sent to the requestor on receipt of the fee and the following pieces of information: Name at death, approximate death date, and place of death. (If the death certificate requested is for a child <12 who has died of AIDS or an induced abortion, the complete death certificate will be released only to the mother. For everyone else, the cause of death is blacked out.)

Through special arrangement, CHS also releases copies of multiple individual death records where the certificate number is obtained through a global computer selection process (e.g., all deaths from a particular cause). These copies are provided upon request and receipt of either the fee or a purchase order or contract. Death records are also sent to other state vital records offices (see 'Data originating in another office').

The unidentified dataset for deaths is released without a signed agreement.

An unidentified subset of death records may be created as follows:

Remove the following data elements from records where age at death <12 and cause of death is ICD-9 codes 042-044 or 779.6:
>   * Name (including Soundex Code)
>   * Social Security Number
>   * Residence Street Address and census tract
>   * Name of Mother and Father

In addition, a data file of names, addresses, and social security numbers is released with a signed data sharing agreement. Files with census tract and block group are released with a signed data sharing agreement.   These files are used in conjunction with the unidentified data sets for research projects.

Fetal deaths:
The fetal death system provides information on all fetal deaths (gestation periods of 20 weeks or more) occurring in Washington State or to Washington residents for the purpose of providing a fetal death certificate record, monitoring trends in fetal mortality and pregnancy, and surveillance of preventable conditions. Fetal death data are released as paper copies of individual records, data tables, or raw data files.

CHS Confidentiality Policy/Procedures

The legal section (items 1-40 on the certificate form), is considered a public record. The following areas are considered confidential or have restricted access: The medical/health section (as defined by WAC 246-491-029) and any record where the person named has received address protection due to fear of violence.

Reference: RCW 70.58; RCW 70.58.055 governs collection of vital statistics data; RCW 70.58.104 requires review of research projects; WAC 246-491defines what data items are collected on fetal death certificates; WAC 246-491-039 restricts release of data from the confidential sections of fetal death certificates; WAC 246-490 (proposed new WAC) describes the processes for release of vital records for research or statistical study.

DOH policies:
CHS-A1 'Data Dissemination and Pricing'

Contact:
Paper copies of individual records: Wendy Kinswa 236-4311, Charlene Peoples 236-4314
Data tables/files: Patricia Starzyk 236-4323

Data release:

Copies of individual vital records (giving only names, birth date and place of birth) are sent to the requestor on receipt of the fee and the following pieces of information: Child's name, date and place of birth, father's full name, and mother's full maiden name.

Unidentified fetal death data sets are released with a one-page data sharing agreement signed by the requestor. The requestor agrees to use the data only for statistical reporting and analysis; not release it to third parties without prior approval from CHS; not link the data to any other individually identified data; and make every effort to assure that identities of individuals are not revealed, especially in any publication resulting from the data analysis.

 An unidentified subset of fetal death records may be created as follows:

Exclude all of the following data elements:
> * State and Local Certificate Number (or encrypt the number)
> * Name of Mother, Father, and Child (including Soundex Code)
> * Mother's Mailing and Residence Street Addresses and residence census tract
> * Attendant and/or Certifier Name if attendant/certifier is the mother or father
> * Social Security Number for Mother and Father

and either truncate the child's date of birth to the month and year of birth
or exclude the facility code number.

Identified medical or confidential information is released to researchers (see 'Data Handling') or to other state vital records offices (see 'Data originating in another office').

Infant deaths:

The linked birth-infant death system provides information on all infant deaths (under one year of age) linked to the corresponding birth certificate for the purpose of assessing maternal risk factors related to infant death. Linked birth-infant death data are released as data tables and raw data files. This linked file has the same confidentiality as the most restricted file (in this case births). Linked files must be released with special care because the addition of data items through linkage increases the chance that an individual could be identified. The use of Geographic Information Systems (GIS) for mapping data items can also make identification of individuals relatively easy in certain small areas.

Reference: Refer to laws, regulations, and policies cited in Birth and Death sections.

Contact: Patricia Starzyk 236-4323, Ann Lima 236-4324

Data release:

Unidentified data sets for infant deaths are released with a data sharing agreement signed by the requestor and by the Center Director. This agreement describes what is being requested and how it will be used. The requestor agrees to use the data only for the stated purpose; not release it to third parties without prior approval from CHS; not link the data to any other individually identified data (unless permitted by the purpose of the request); and make every effort to assure that identities of individuals are not revealed, especially in any publication resulting from the data analysis.

An unidentified subset of infant death records may be created as follows:

Exclude all of the following data elements:
   * State and Local Birth and Death Certificate Numbers (or encrypt the number)
   * Name of Mother, Father, and Child (including Soundex Code)
   * Mother's Mailing and Residence Street Addresses and residence census tract
   * Attendant and/or Certifier Name if attendant/certifier is the mother or father
   * Social Security Number for Mother, Father, and Child
   *Telephone number
and either truncate the child's date of birth to the month and year of birth
or exclude the facility code number.

Marriages:

The marriage system provides information on all marriages occurring in Washington State for the purpose of providing a marriage certificate record and monitoring trends in

marriage rates. Marriage data are released as paper copies of individual records, data tables, or raw data files. The marriage index is also available on microfiche to the public through the state archives. The entire record is public except for social security numbers.

Reference: RCW 70.58; RCW 70.58.104 requires review of research projects; WAC 246-491-149 defines what data items are collected on marriage certificates; WAC 246-490 (proposed new WAC) describes the processes for release of vital records for research or statistical study.

DOH policies:
CHS-A1 'Data Dissemination and Pricing'
CHS-A2 ' Issuance of Certified Copies of Records or Information'

Contact:
Paper copies of individual records: Wendy Kinswa 236-4311, Charlene Peoples 236-4314
Data tables/files: Greg Newkirk 236-4332

Data release:

Copies of individual vital records are sent to the requestor on receipt of the fee and the following pieces of information: Groom's name, bride's full maiden name, approximate date of event, and place where license was obtained or decree filed.

The release of raw data files is currently under development.

Divorces:
The divorce system provides information on all divorces occurring in Washington State for the purpose of providing a divorce certificate record, monitoring trends in divorce rates, and helping to estimate the number of people who may need public assistance. Divorce data are released as paper copies of individual records, data tables, or raw data files. The divorce index is also available on microfiche to the public through the state archives. The entire record is public except for social security numbers.

Reference: RCW 70.58; RCW 70.58.104 requires review of research projects; WAC 246-491-149 defines what data items are collected on divorce certificates; WAC 246-490 (proposed new WAC) describes the processes for release of vital records   for research or statistical study.

DOH policies:
CHS-A1 'Data Dissemination and Pricing'
CHS-A2 ' Issuance of Certified Copies of Records or Information'

Contact:
Paper copies of individual records: Wendy Kinswa 236-4311, Charlene Peoples 236-4314

CHS Confidentiality Policy/Procedures

Data tables/files: Greg Newkirk 236-4332

Data release:
Copies of individual vital records are sent to the requestor on receipt of the fee and the following pieces of information: Groom's name, bride's full maiden name, approximate date of event, and place where license was obtained or decree filed.

The release of raw data files is currently under development.

Requests for vital statistics records

VitalChek records for certified copies of records :
The VitalChek system allows requestors to obtain certified copies of records using a credit card. There is an expedited fee of $11 in addition to the cost of the certified copy. The order is processed and sent out the next working day. Federal Express/Express Mail delivery are an additional cost. CHS keeps a copy of the original order for approximately three to six months before destroying it. An individual requesting a copy of the record must know the same information required for obtaining a copy through regular mail or in person. Orders may be made by telephone, fax, or via the Internet.

Fee sheets:
Fee sheets are the original requests sent by the customer. The sheet has the amount of money received, the date the fee was processed by the DOH Revenue Section, the record information, the requestor's address/telephone number, and the date CHS sent the record to the customer. Fee sheets are kept in the office for the current and prior year. All other fee sheets are sent to Archives where they will be stored for six years before being destroyed.

Additional databases

Abortions:
The abortion system provides information on all abortions (induced terminations of pregnancy) occurring in Washington State or to Washington residents for the purpose of studying the need for family planning services and monitoring trends in abortion and pregnancy. The abortion system does not contain identifiers and is released as data tables or raw data files. For more information on the abortion system, see *Washington State Abortion Reporting System: An Evaluation* available through CHS.

Reference: RCW 43.70.040 and 43.70.050 provide statutory authority for abortion data collection (the department must maintain reporting systems needed to assess safe and adequate medical care); WAC 246-490-100 defines what data items are collected on abortion reporting forms; WAC 246-490-110 prohibits releasing any identified abortion information, to protect the privacy of patients and providers.

Contact: Phyllis Reed 236-4207

CHS Confidentiality Policy/Procedures

Data release:

Unidentified abortion data sets are released with a data sharing agreement signed by the requestor and by the Center Director. This agreement describes what is being requested and how it will be used. The requestor agrees to use the data only for the stated purpose; not release it to third parties without prior approval from CHS; not link the data to any other individually identified data (unless permitted by the purpose of the request); and make every effort to assure that identities of individuals are not revealed, especially in any publication resulting from the data analysis.

An unidentified subset of abortion records may be created as follows:

Remove the following data elements:
> *Provider Number
> *Physician Name and Number
> *Patient identification number (not entered into database)
> *Name of person completing the form (not entered into the database)

and do not provide a city code for cities of <10,000 population.

Copies of abortion reporting forms are released to other state vital records offices (see 'Data originating in another office').

Behavioral risk factor surveillance system (BRFSS):
The BRFSS provides information from a telephone survey among a random sample of Washington residents for the purpose of assessing health risks and behaviors. The BRFSS does not contain identifiers and is released as data tables or raw data files.

Reference: RCW 43.70.040 and 43.70.050 provide statutory authority for BRFSS data collection (the department must maintain reporting systems needed to identify high-priority health issues).

Contact: Katrina Wynkoop Simmons 236-4322

Data release:

Unidentified BRFSS data sets are released with a one-page data sharing agreement signed by the requestor. The requestor agrees to use the data only for statistical reporting and analysis; not release it to third parties without prior approval from CHS; not link the data to any other individually identified data; and make every effort to assure that identities of individuals are not revealed, especially in any publication resulting from the data analysis.

An unidentified subset of BRFSS data may be created as follows:

Remove the following data elements:
> *Telephone Number

*Geographic information (zip code)
and collapse into a more general category certain occupation/industry categories which might identify an individual (e.g., elected public official).

Code tables:
Lookup tables for a variety of codifiable data are maintained by CHS. Included are city, county, state and country location tables; ethnicity tables; hospital/facility tables; funeral home tables; certifier classification tables; population tables; occupation and industry tables and medical procedure tables and ICD tables. All code lookup tables are public except abortion physicians and facilities.

Data originating in another office

All vital statistics data/information/records currently held by CHS originate within CHS except for birth, death, fetal death, and abortion records for those events occurring to Washington residents in another state. These records are sent to Washington State as part of an interstate exchange agreement, to provide complete information on events to residents of Washington State and for linkage of births and infant deaths. In exchange, CHS sends a complete copy of a birth, death, fetal death, or abortion record (including medical information where applicable) to the state of residence for events occurring in Washington State to residents of another state.

Data release:

Release of out of state records is governed by the Interstate Exchange Agreement signed by all state registrars. The most recent agreement allows these records to be used for statistical analysis, linking birth and death certificates, and research projects authorized by the state registrar (as long as any publications resulting from the research do not reveal any names or present data which might lead to identification, unless authorization has been obtained).

A certified copy is never issued for an out of state record; the requestor must obtain the record from the state of occurrence. To avoid inadvertent release of these records, they are numbered and filed separately from Washington State occurrence records.

Hospital data

Hospital financial information database [FIN]:
The Hospital Financial Information Database contains financial and utilization information for all state licensed hospitals in Washington by fiscal year. This information comes from hospital budgets and projected budgets, audited income statements and balance sheets, and includes items such as total utilization and utilization by cost center, income and expense statements, cost center summaries and expense detail, and other

financial data. These files are used to determine financial viability, trends in profitability, impacts of industry changes in health care systems, effects of managed care on costs and revenues, impact of Medicaid and Medicare financing, and other hospital financial issues.

Reference: RCW 43.70.052 authorizes data collection, WAC 246-454 specifies financial data submitted.

Contact: Larry Hettick, 236-4210; Ric Ordos, 236-4216; Tom Muller 236-4215; Larry Slosson, 236-4217

Data Release: The file is released in reports, tables, or raw data files. This is a public data set with no restrictions and originates in HPDS.

Comprehensive hospital abstract reporting system [CHARS]:
CHARS is a hospital discharge database which contains records for all patients discharged from state-licensed acute care hospitals in the state of Washington. CHARS contains information on individual patient discharges which includes patient diagnoses and demographics, source of admission, length of stay, procedures, physicians, payers, E-codes, Diagnosis Related Groups, charges and line-item revenues. The files are used to study trends in morbidity among populations and diseases, health care marketing and planning, health care outcomes, health care costs, and supports specific study on conditions such as injuries, diabetes, mental health, and asthma.

Reference: RCW 43.70.052 authorizes data collection; WAC 246-455 specifies elements collected; and WAC 246-455-080 identifies specific confidential data elements. State laws around conditions such as mental health, HIV, etc. do not apply since CHARS does not contain directly identifiable information.

Contact:
Public data files: Kim Dunlap, 236-4208; Jeanette Neibert 236-4223
Data to CHARS hospitals: Jeanette Neibert 236-4223; Jerry Judkins, 236-4213
Public data requests: Jeanette Neibert 236-4223
Confidential data: Jeanette Neibert 236-4223; Gary Blair 236-4328

Data Release: The data is released as standard reports, as custom requests, and as raw data files. The public CHARS file is available for purchase without any form of agreement. Confidential data can be released according to the agency data release policy.

An unidentified subset of CHARS records may be created as follows:

       Exclude all of the following confidential data elements:

             * Patient Identifier
             * Patient Record Number
             * Admission Date
             * Discharge Day (month and year are public)

* Birth Date

and truncate the 9-digit Zip Code to five (5) digits.

Episode of illness file [EPI]:
The EPI file combines consecutive years of CHARS data to produce patient admission histories. Multiple admissions are defined as those records with the same patient identifier, sex, birth date, and zip code. The EPI file contains all information in CHARS, with the addition of a major/minor key and an admission counter. This file facilitates longitudinal and readmission studies and examinations of incidence vs. prevalence. This is a confidential data set and originates with HPDS. The public EPI file is available for purchase without any form of agreement.

Reference: RCW 43.70.052 authorizes data collection; WAC 246-455 specifies elements collected; and WAC 246-455-080 identifies specific confidential data elements. State laws around conditions such as mental health, HIV, etc. do not apply since CHARS does not contain directly identifiable information.

Contact:
Data to CHARS hospitals: Jeanette Neibert 236-4223; Jerry Judkins, 236-4213
Confidential data: Jeanette Neibert 236-4223; Gary Blair, 236-4328; Jerry Judkins 236-4213

Data Release: The data is released as standard reports, as custom requests, and as raw data files. The public EPI file is available for purchase without any form of agreement. Confidential data can be released according to the agency data release policy.

An unidentified subset of EPI records may be created as follows:

Exclude all of the following confidential CHARS data elements:

* Patient Identifier
* Patient Record Number
* Admission Date
* Discharge Day (month and year are public)
* Birth date

and truncate the 9-digit Zip Code to five (5) digits,

Linked files

The minimum specifications for creating unidentified data subsets apply to any new linked files. A determination of what constitutes an unidentified data subset is made by applying specifications for the source files comprising the new linked file. For most

linked data sets, even requests of unidentified data will be strictly limited to the minimum necessary to meet the needs of the request. Under no condition other than public health use or research will a complete unidentified linked database be released. Access to Department of Health data sets or data subsets that do not meet the minimum specifications defined above in this Agreement requires prior review and approval of the DOH/DSHS Human Research Review Board [IRB], per RCW 42.48.

Birth event records database [BERD]:
The BERD file links CHARS records for the birth stay of a mother and baby with the birth certificate information in the BIRTHS file to form a comprehensive source of prenatal, birth, and postnatal data. The database also incorporates the INFANT DEATH FILE, which contains all infants who die within one year of birth. In addition to all of the variables contained in the CHARS data, the BERD file includes race, birth weight, pregnancy history and complications, prenatal care, health risk factors, and newborn health conditions and congenital anomalies. This data base facilitates perinatal research and outcomes studies.

Reference: For the CHARS data, RCW 43.70.052 authorizes data collection; WAC 246-455 specifies elements collected; and WAC 246-455-080 identifies specific confidential data elements; for the birth certificate data, RCW 70.58; RCW 70.58.055 governs collection of vital statistics data and defines birth data confidentiality; RCW 70.58.104 requires review of research projects; RCW 26.33 governs adoption and adoption records; RCW 40.24 establishes address confidentiality for victims of domestic violence and sexual assault; WAC 246-491defines what data items are collected on birth certificates; WAC 246-491-039 restricts release of data from the confidential sections of birth certificates; WAC 246-490 (proposed new WAC) describes the processes for release of vital records for research or statistical study and for obtaining a copy of a birth certificate. The Family Support Act of 1988 restricts release of parents' social security numbers on birth records.

Contact: Jeanette Neibert 236-4223; Gary Blair, 236-4328; Jerry Judkins, 236-4213

Data release: There is no public file for the BERD data. The data can be released without a data sharing agreement in aggregate form and in custom requests requiring limited information. All other requests require an agreement and must be approved prior to release. Unidentified BERD data at the individual record level data are only released with a data sharing agreement signed by the requestor. Confidential BERD data is only released to researchers.

An unidentified subset of BERD records may be created as follows:

> <u>Exclude</u> all of the following birth certificate/fetal death data elements:
>
> > * Certificate Number
> > * Local Certificate Number (occurs twice)

      * Child's Name (including Soundex Code)
      * Father's Name (including Soundex Code)
      * Mother's Name (including Soundex Code)
      * Mother's Legal Last Name (including Soundex Code)
      * Mother's Mailing and Residence Street Addresses
      * Attendant and/or Certifier Name if classification = mother or father
        (code = 4)
      * Mother's Social Security Number
      * Father's Social Security Number

and either truncate the child's date of birth to the month and year of birth or exclude the facility number, and
exclude all of the following confidential CHARS data elements:

      * Patient Identifier
      * Patient Record Number
      * Admission Date
      * Discharge Day (month and year are public)

and truncate the 9-digit Zip Code to five (5) digits, and,
exclude facility number from CHARS if child's date of birth from BIRTHS or CHARS is needed, or truncate child's date of birth to month and year of birth if facility number is required, and
exclude all of the following confidential INFANT DEATH data elements:

      * Certificate Number
      * Local Certificate Number (occurs twice)
      * Child's Name (including Soundex Code)
      * Father's Name (including Soundex Code)
      * Mother's Name (including Soundex Code)
      * Mother's Legal Last Name (including Soundex Code)
      * Mother's Mailing and Residence Street Addresses
      * Attendant and/or Certifier Name if classification = mother or father
        (code = 4)
      * Mother's Social Security Number
      * Father's Social Security Number
      * Child's Social Security Number
      * Death Certificate Number

and exclude facility number from the INFANT DEATH FILE if child's date of birth from BIRTHS or CHARS is needed,
or truncate child's date of birth to month and year of birth if facility number is required.

Death and illness history database [DIHD]:

CHS Confidentiality Policy/Procedures

The DIHD file links the patient hospitalization histories in the EPI file to death certificate information. In addition to the CHARS data elements, DIHD contains race, occupation, cause and contributory cause-of-death, place and time of death, medical conditions at time of death, and disposition of the body. This database is a useful resource for terminal care issues.

Reference: For the CHARS data, RCW 43.70.052 authorizes data collection; WAC 246-455 specifies elements collected; and WAC 246-455-080 identifies specific confidential data elements; for the death certificate data, RCW 70.58; RCW 70.58.055 governs collection of vital statistics data; RCW 70.58.104 requires review of research projects; RCW 9.02.100 and 70.24.105 restrict release of death records for certain ages and causes of death (related to HIV and abortion); WAC 246-491defines what data items are collected on death certificates; WAC 246-490 (proposed new WAC) describes the processes for release of vital records for research or statistical study.

Contact: Jeanette Neibert 236-4223; Gary Blair, 236-4328; Jerry Judkins, 236-4213

Data Release: There is no public file for the DIHD data. The data can be released in aggregate form and in custom requests requiring limited information. All other requests require an agreement and must be approved prior to release. Unidentified DIHD data at the individual record level data are only released with a data sharing agreement signed by the requestor. Confidential DIHD data is only released to researchers.

An unidentified subset of DIHD records may be created as follows:

> Exclude all of the following confidential CHARS data elements:
>
> > * Patient Identifier
> > * Patient Record Number
> > * Admission Date
> > * Discharge Day (month and year are public)
>
> and truncate the 9-digit Zip Code to five (5) digits,
> and either truncate the patient's date of birth to the month and year of birth or exclude the facility number, and
> exclude all of the following data elements in the DEATHS data set:
>
> > * Certificate Number
> > * Local Certificate Number (occurs twice)
> > * Name (including Soundex Code)
> > * Social Security Number
> > * Residence Street Address
> > * Father's Last Name
> > * Mother's Name (including maiden, first, and middle initial)

<u>and exclude</u> facility number from DEATHS (if given) <u>if</u> patient's date of birth from CHARS is needed,
<u>or truncate</u> patient's date of birth to month and year of birth <u>if</u> facility number is required.

Personnel files

Selected personnel files for each office are retained in that office. Each personnel file contains the following information: Position Number, Classification Questionnaire, and Performance Evaluations. This information is confidential and originates in HPDS.
The official personnel files are located in the Department of Health (DOH) Personnel Office and follow DOH Policy and Procedure 07.007. Employees are provided copies of most materials in their personnel file (routine action forms are not provided). Employees may examine their personnel file in the presence of the Administrative Assistant.

Reference: RCW 42.17.310(b) states in part, "personal information in files maintained for employees . . . to the extent that disclosure would violate their right to privacy" shall be exempt from public disclosure.

Contact: Teresa Jennings, 236-4307, Carrie Richardson, 236-4308

Data Release: Employee files are generally considered confidential and are accessible only to the employee and to management.

VISTA/PH

VISTA/PH is a Windows-based software package for public health assessment. The VISTA/PH user selects various options presented in menus, including the data set to be analyzed, age group, race, gender, statistic, time period and geographic location. VISTA/PH then generates an SPSS program that does the analysis and produces the aggregated data as an Excel spreadsheet. The VISTA/PH system uses raw data files in the following areas: abortion, birth, Census data, communicable disease, death, hospitalization, sexually transmitted diseases, tuberculosis, and population data. However, the raw data files do not contain identifying information and are not accessible by the user. Currently, VISTA/PH and its data can be used by local health jurisdictions, contractors for local health jurisdictions, DOH employees, authorized university students and staff and the Yakima Valley Farm Workers Clinic.

DATA HANDLING

To whom it can be released

Public information and unidentified data sets are available on request following the procedures described with each dataset. However, lists of individuals (e.g., a file of names and addresses) cannot be released for commercial purposes [per RCW 42.17.260(9)]. An attorney general's opinion (AGO 1988 No. 2) defines 'commercial

purpose' to include 'any profit expecting business activity'. This definition includes, for example, using death data to clear names of deceased people from lists.

Confidential information is released in accordance with agency data release policy 17.006 with the following additions:
- Individual requestors with a court order authorizing release of a certified copy of a birth certificate including the confidential information (per RCW 70.58.055); or
- Other state vital records offices as part of an interstate exchange agreement (see 'Data originating in another office').

How it is released

Public disclosure/unidentified data sets

Tables or aggregated data: Data tables are released as reports, Email attachments, or hard copies sent by mail or fax. Some standard tables and aggregate data available on the Internet. The Internet site also has instructions for obtaining copies of certificates. There are no restrictions on accessing any of this information.

Confidential information

Confidential information is released in accordance with agency data release policy 17.006.

When laws, regulations, or policies are not clear

These cases should be handled at the lowest possible level (the contact person first, then if needed the immediate supervisor, then if needed the Center Director).

SECURITY/STORAGE CONSIDERATIONS

Computer/physical security

Paper and microfilm copies of records are kept in a fireproof vault with an automatic Halon system which stops fires occurring within the vault without ruining the records. Access to the vault is limited to CHS employees, DOH and non-DOH Researchers by special arrangement and supervised maintenance and cleaning staff. In such cases, these visitors will be required to sign a confidentiality agreement before accessing data. A few DOH offices use the CHS vault for storage of documentation or backup media. Specific staff from these offices may enter the vault for the purpose of depositing or retrieving their materials.

Identified confidential information is stored on the Unix system. Access to this system is protected by 1) an authentication server with SecurID passcodes which change each minute, 2) a UNIX UserID and password which changes every two months, and 3)

application security which controls allowable functions, by UserID, within the CHS Online System.

All information on the Unix is mirrored (stored on two different hard drives) in case one drive fails. For further protection, all information on the Unix is backed up on tape every night. A weekly copy of the backup is sent to an offsite storage location so the information can still be retrieved in case of a disaster to the building.

Fraud prevention

Fraudulent use of records is a particular concern in CHS because of the importance of vital statistics records for establishing identity. Fraud can occur when someone creates a new vital record, changes an existing record, or gets a record for someone who has died so that they can establish a fake ID. Fraud prevention measures used in CHS include: Using special certification paper which cannot be duplicated or copied and marking birth records for people who have died so they cannot be used to established identity.

In addition, if the state registrar receives information that a birth certificate may have been registered or amended through fraud or misrepresentation, the registrar will not release copies of that certificate until an informal administrative hearing is held. If no fraud is found, a copy of the record may be issued. If fraud is found, the record is marked and a copy of the record is only issued with a court order (per WAC 246-490).

Mailing and faxing

See division confidentiality policy EHSPHL 001.

Telephone and conversation

CHS does not do telephone verification of vital events (e.g., whether a particular person has died). See division confidentiality policy EHSPHL 001.

Birth data for facilities that register births electronically are transmitted to CHS via modem to a Bulletin Board System (BBS). To prevent unauthorized access, the data are encrypted at the facility and then transmitted to CHS, where they are decrypted. CHS also maintains an Early Notification of Childhood Deaths BBS and a Local Health Jurisdiction BBS, both of which are UserID and password protected.

Remote devices (laptops, cell phones, pagers)

See division confidentiality policy EHSPHL 001.

Internet/Intranet and Email

CHS Confidentiality Policy/Procedures

No raw data files are available and requestors cannot get a copy of a certificate online; they must send the information to CHS for processing.

Appropriate and secure destruction of data

See division confidentiality policy EHSPHL 001.

Records retention schedule and maintaining archival files

Vital statistics certificates are stored indefinitely because a request for a copy of a certificate may come at any time. Many of the older records are on paper, which is deteriorating over time. To prevent loss of these valuable records, many have been microfilmed and the information needed to identify and print a certified copy of a record is being computerized as funding permits.

To protect confidentiality of abortion records, the paper copies of forms are shredded after an edited and cleaned year-end electronic file is compiled. Only records that contain information on fetal anomalies for 1989 – present have been retained. These records are stored in a locked file cabinet in a secure area.

See division confidentiality policy if records are to be formally archived or destroyed.

EMPLOYEE RESPONSIBILITIES

Employee responsibilities

See division confidentiality policy EHSPHL 001, and agency policy 17.005.

Annual reviews of 17.005 and penalties for violation

See division confidentiality policy EHSPHL 001, and agency policy 17.005.

Reporting suspected violations

See division confidentiality policy EHSPHL 001, and agency policy 17.005.

Additional agreements for CHS employees to sign

None currently.